

## UNITED STATES DISTRICT COURT

## SOUTHERN DISTRICT OF CALIFORNIA

2008 JUN 12 AM 9:49

UNITED STATES OF AMERICA, )  
 Plaintiff, )  
 v. )  
 Lionel VALENZUELA-Carranza, )  
 Defendant. )

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'08 MJ 1826

Magistrate Case No. \_\_\_\_\_

COMPLAINT FOR VIOLATION OFTitle 8, U.S.C., Section 1326  
Attempted Entry After  
Deportation

The undersigned complainant being duly sworn states:

On or about **June 11, 2008**, within the Southern District of California, defendant **Lionel VALENZUELA-Carranza**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 12<sup>th</sup> DAY OF June, 2008.



UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

On June 11, 2008 at approximately 11:45 AM, **Lionel VALENZUELA-Carranza (Defendant)** made application for admission to the United States from Mexico at the San Ysidro Port of Entry via the pedestrian primary lanes. Defendant stated to the primary Customs and Border Protection (CBP) Officer that he was going to Chula Vista. When asked for identification, Defendant stated that it had been stolen. When questioned in regard to his citizenship, Defendant stated he was born in Delano, Kern County. The CBP Officer elected to refer Defendant to secondary for further inspection.

In secondary, Defendant's fingerprints were queried through the Integrated Automated Fingerprint Identification System (IAFIS), which revealed Defendant's true identity. Queries through the Immigration Central Index System and the Deportable Alien control System reveal Defendant was ordered deported from the United States by an Immigration Judge on or about October 6, 2005 and physically removed from the United States through Calexico, California on October 11, 2005. Immigration service records contain no evidence that Defendant has applied for or received permission from the Attorney General or the Secretary of Homeland Security to legally reenter the United States.